

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Tohru ISHIZUYA et al. )  
)  
Application No.: 10/676,733 )  
)  
Filed: October 2, 2003 )  
)  
For: OPTICAL ELEMENT, THIN FILM )  
STRUCTURE, OPTICAL SWITCH, )  
AND METHOD OF MANUFACTURING )  
OPTICAL ELEMENT )

Confirmation No.: 2939

Group Art Unit: 2873

Examiner: E. Lester

Mail Stop 313(c)

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**OFFICE OF PETITIONS**

**HAND CARRY**

Commissioner for Patents  
**OFFICE OF PETITIONS, Mail Stop 313(c)**  
600 Dulany Street  
Madison West Bldg.  
Alexandria, VA 22314  
Telephone: 571-272-3282

Sir:

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the  
above-identified application.

1. Submission required under 37 C.F.R. § 1.114

☐ Previously submitted:

☐ Please consider the amendments under 37 C.F.R. § 1.116 previously filed on  
(Any unentered amendments referred to above will be entered.)

☐ Please consider the arguments in the Appeal Brief or Reply Brief previously  
filed on \_\_\_\_\_.

☐ Other \_\_\_\_\_.

☒ Enclosed:

☐ Amendment/Reply

☐ Affidavit(s)/Declaration(s)

☒ Petition for Withdrawal From Issue Under 37 C.F.R. § 1.313(c)(2)

☒ Information Disclosure Statement  
☒ Form 1449

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- ☐ Other \_\_\_\_\_.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

- ☒ \$790.00  
☐ \$395.00 (for small entity)

(b) Extension of Time

- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00

The extension of time fee for this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

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(c) Additional Claims Fees

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CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	49	minus	56	0	x \$50 each=	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	15	minus	15	0	x \$200 each=	+ \$0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$280.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

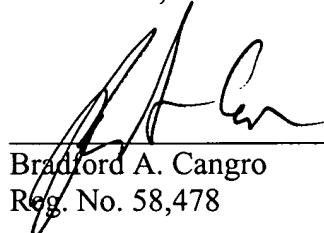
4. Fee Payment

- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_.
- ☒ The Commissioner is hereby authorized to charge the Deposit Account No. 50-0310 the total amount of **\$920.00** (\$790.00 for RCE filing fee and \$130.00 for petition fee).
- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

  
Bradford A. Cangro  
Reg. No. 58,478

Date: June 2, 2006

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
Tel.: (202) 739-3000  
Fax.: (202) 739-3001